United States District Court

EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

JEROME DIETZ,	§	
	§	
Plaintiff,	§	
	§	
v.	§ ACTION NO. 4:18-CV-560	
	§ JUDGE MAZZANT/JUDGE JOHNSO	N
ZODIAC SEATS US LLC,	§	
	§	
Defendant.	§	
	§	
	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On July 31, 2019, the Magistrate Judge entered proposed findings of fact and recommendations (Dkt. #43) that Plaintiff Jerome Dietz's Rule 56(d) Motion to Deny (Or Alternatively, Defer) Defendants' Motion for Summary Judgment (Dkt. #34) be granted in part and denied in part. Specifically, the Report (Dkt. #43) recommended that Plaintiff be granted leave to file an amended response to the pending Motion for Summary Judgment (Dkt. #28) after production of discovery by Defendant Zodiac Seats US LLC. *See* Dkt. #43.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Accordingly, the Rule 56(d) Motion to Deny (Or Alternatively, Defer) Defendants' Motion for Summary Judgment (Dkt. #34) is hereby **GRANTED IN PART and DENIED IN PART**.

Plaintiff is granted leave to file an amended response to the pending Motion for Summary Judgment. All other relief requested is **DENIED**.

IT IS SO ORDERED.

SIGNED this 19th day of August, 2019.

AMOS L. MAZZANT

UNITED STATES DISTRICT JUDGE